

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Grizzly Auto Transports, *et al.*,

Plaintiffs,

v.

Case No. 08-11832

Tran Tech, Inc.,

Honorable Sean F. Cox

Defendant.

ORDER DISMISSING
CLAIMS ASSERTED BY CAUDILL & SON TRUCKING

In an Order dated November 24, 2009, this Court ordered that representatives of several Plaintiffs, including Caudill & Sons Trucking, appear for a deposition in order to be questioned about the declarations they filed on August 24, 2009. (Docket Entry No. 82).

In addition, in an Order dated December 17, 2009, this Court ordered Defendants and each remaining Plaintiff to personally appear for a Mandatory Settlement Conference on January 22, 2010. (Docket Entry No. 85). That Order expressly advised the parties that failure to appear could result in sanctions being imposed, including the dismissal of claims and entry of default judgments.

In contravention of this Court's Orders, Chris Caudill of Caudill & Sons Trucking did not appear for his deposition as noticed by Defendant and did not appear for the Mandatory Settlement Conference on January 22, 2010. Accordingly, as stated on the record on January 22, 2010, pursuant to FED. R. CIV. P. 37, the claims asserted by Caudill & Sons Trucking in this action are hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 26, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 26, 2010, by electronic and/or ordinary mail.

s/Jennifer Hernandez

Case Manager